

## RESOLUTION NO. A-\_\_\_\_\_

## SPECIAL PERMIT NO. 2046A

1 WHEREAS, Eiger Corporation has submitted an application designated  
2 as Special Permit No. 2046A for authority to develop 32,500 sq. ft. of commercial and  
3 retail floor area with requested waivers to the Land Subdivision Ordinance and Zoning  
4 Code to waive the preliminary plat process, to allow a cul-de-sac in excess of 1,000  
5 feet, to reduce setbacks from 20 feet to 0 feet adjacent to outlots, to not require a  
6 sidewalk along Highway 2 and S. 87th Street, to allow the transfer of sewage from one  
7 drainage basin to another, and to allow lot lines not at right angles to street, on property  
8 located southeast of the intersection of S. 84th Street and Highway 2, and legally  
9 described to wit:

10 A part of Outlot A, Appian Way Regional Center Phase 2  
11 Addition, a part of Outlot C, Appian Way Regional Center  
12 Phase 2 Addition, all of Outlot D, Appian Way Regional  
13 Center Phase 2 Addition, and all of Lots 1 and 2, Appian  
14 Way Regional Center Phase 2 Addition, located in the  
15 Southwest Quarter of Section 23, all in Township 9 North,  
16 Range 7 East of the Sixth Principal Meridian, Lancaster  
17 County, Nebraska, described as follows:

18 Beginning at a point on the easterly line of said Lot 1 located  
19 on the northerly line of the Southeast Quarter of the  
20 Southwest Quarter of said Section 23, said point also being  
21 on the existing westerly South 91st Street 33.00 foot right-of-  
22 way line; thence S 00°12'37" W along said westerly right-of-  
23 way line, a distance of 4.62 feet to the northerly Yankee Hill  
24 Road right-of-way line; thence S 44°20'31" W along said  
25 northerly right of way line, a distance of 285.77 feet to the  
26 point of curvature of a 1935.00 foot radius curve concave to  
27 the northwest; thence southwesterly along said northerly  
28 right-of-way line and said curve, through a central angle of

10°58'31" an arc distance of 370.66 feet, the chord of said curve bears S 49°49'48" W, a distance of 370.09 feet; thence S 55°18'59" W along said northerly right-of-way line, a distance of 31.13 feet to the southeast corner of Lot 105, Irregular Tract; thence N 24°41'05" W along the easterly line of said Lot 105, a distance of 76.15 feet to the point of curvature of a 283.00 foot radius curve concave to the east; thence northerly along the easterly line of said Lot 105 and the easterly line of Lot 106, Irregular Tract, and said curve, through a central angle of 24°39'05" an arc distance of 121.76 feet, the chord of said curve bears N 12°21'32" W, a distance of 120.82 feet; thence N 00°02'00" W along the easterly line of said Lot 106, a distance of 109.79 feet to the point of curvature of a 331.00 foot radius curve concave to the west; thence northerly along the easterly line of said Lot 106 and said curve, through a central angle of 34°18'58" an arc distance of 198.25 feet, the chord of said curve bears N 17°11'29" W, a distance of 195.30 feet to the southerly line of an existing Lincoln Electric System transmission line easement recorded as Instrument Number 95-12607 at the Lancaster County Register of Deeds; thence S 89°01'14" W along said easement line, a distance of 421.42 feet to the point of curvature of a 1544.43 foot radius curve, concave to the south; thence northwesterly along said curve, through a central angle of 08°29'28" an arc distance of 228.88 feet, the chord of said curve bears N 49°41'49" W, a distance of 228.67 feet; thence N 54°44'21" E, a distance of 284.85 feet; thence S 57°04'22" E, a distance of 349.77 feet to the point of curvature of a 369.50 foot radius curve, concave to the southwest; thence southeasterly along said curve, through a central angle of 21°15'29" an arc distance of 137.09 feet, the chord of said curve bears S 46°26'38" E, a distance of 136.31 feet; thence N 56°35'33" E, a distance of 36.02 feet; thence N 35°32'47" E, a distance of 346.74 feet to a point on the existing southerly right-of-way line of Nebraska Highway No. 2; thence S 51°36'51" E along said southerly right-of-way line, a distance of 463.01 feet to the westerly South 91st Street right-of-way line, said line being located 33.00 feet westerly of, perpendicular measurement, and parallel with the east line of said Southwest Quarter Section; thence S 00°12'24" W along said westerly right of way line, a distance of 53.68 feet to the point of beginning, containing an area of 377,507.26 square feet (8.67 acres) more or less;

1               WHEREAS, the real property adjacent to the area included within the site  
2 plan for this commercial and retail development will not be adversely affected; and

3               WHEREAS, said site plan together with the terms and conditions  
4 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln  
5 Municipal Code to promote the public health, safety, and general welfare.

6               NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
7 Lincoln, Nebraska:

8               That the application of Eiger Corporation, hereinafter referred to as  
9 "Permittee", to develop 32,500 sq. ft. of commercial and retail floor area, on the  
10 property legally described above, be and the same is hereby granted under the  
11 provisions of Section 26.31.015 and Section 27.63.470 of the Lincoln Municipal Code  
12 upon condition that construction and operation of said commercial and retail floor area  
13 be in strict compliance with said application, the site plan, and the following additional  
14 express terms, conditions, and requirements:

15               1.       This permit approves 32,500 square feet of commercial and retail  
16 floor area with waivers of the following Land Subdivision Ordinance and Zoning Code  
17 requirements:

18                       a.       The provision of Section 26.11.020 of the Lincoln Municipal  
19 Code that a preliminary plat is required for all subdivisions is  
20 waived.

21                       b.       The requirement of Section 26.23.080 of the Lincoln  
22 Municipal Code that dead end streets shall not exceed 1,000  
23 feet is waived to allow a cul-de-sac in excess of 1,000 feet.

- 1 c. The requirement of Section 27.45.070 of the Lincoln  
2 Municipal Code that a side yard and rear yard have a 20 foot  
3 setback is waived to allow zero foot setbacks adjacent to  
4 outlots.
- 5 d. The requirement of Section 26.23.095 of the Lincoln  
6 Municipal Code that sidewalks be constructed on both sides  
7 of all streets within the Subdivision and on the side of the  
8 street abutting the Subdivision is waived along Highway 2  
9 and South 87th Street.
- 10 e. The requirement of Section 26.27.040 of the Lincoln  
11 Municipal Code that a wastewater collection system be  
12 constructed in accordance with the sanitary sewer design  
13 standards is waived to allow the transfer of sewage from one  
14 drainage basin to another.
- 15 f. The requirement of Section 26.23.140 of the Lincoln  
16 Municipal Code that lot lines be at a right angle to the street  
17 is waived to allow lot lines not at right angles to the street.
- 18 2. Before receiving building permits:
- 19 a. The Permittee must submit an acceptable, revised and  
20 reproducible final plan with six copies.
- 21 b. The construction plans must conform to the approved plans.
- 22 c. Final plats within the area of this development must be  
23 approved by the Planning Director consistent with the  
24 approved use permit.

1                   3.     Before occupying the buildings all development and construction  
2 must be completed in conformance with the approved plans.

3                   4.     All privately-owned improvements must be permanently maintained  
4 by the Permittee or an appropriately established association approved by the City  
5 Attorney.

6                   5.     The site plan approved by this permit shall be the basis for all  
7 interpretations of setbacks, yards, locations of buildings, location of parking and  
8 circulation elements, and similar matters.

9                   6.     The terms, conditions, and requirements of this resolution shall be  
10 binding and obligatory upon the Permittee, its successors, and assigns. The building  
11 official shall report violations to the City Council which may revoke the special permit or  
12 take such other action as may be necessary to gain compliance.

13                  7.     The Permittee shall sign and return the City's letter of acceptance  
14 to the City Clerk within 30 days following approval of the special permit, provided,  
15 however, said 30-day period may be extended up to six months by administrative  
16 amendment. The City Clerk shall file a copy of the resolution approving the special  
17 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be  
18 paid in advance by the Permittee.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2004:

\_\_\_\_\_  
Mayor